

REMARKS

Independent claims 1, 32, and 45 - Applicants have one further argument to present to the Examiner. Apfel teaches away from the invention of independent claims 1, 32, and 45.

Apfel describes downloading software updates to a user's computer. These software updates are executable code. No one at the time of the present invention or even today downloads executable code without giving the user the choice as to whether the user wants to complete the download. Therefore, assuming that the user's computer is configured to automatically initiate a software download as argued by the Examiner, those skilled in the art will recognize that the final manual check of block 439 (Apfel; Figure 4B) should still be retained to prevent the user's computer from automatically downloading executed software (such as a virus) that could injure the computer and/or the user.

Accordingly, one skilled in the art would not have been led to the inventions of independent claims 1, 32, and 45 by Apfel and instead would have been led away from the inventions of independent claims 1, 32, and 45.

For this reason, independent claims 1, 32, and 45 are not unpatentable over Apfel in view of Ballard.

Independent Claim 18 - Apfel does not disclose that the upgrades are graphical elements of a web page or that graphical elements of a web page are downloaded without downloading the entire web page.

Ballard similarly does not disclose downloading only a graphical element of a web page. Ballard merely discloses a process for searching the web for files and does not even mention web pages.

Accordingly, because neither Apfel nor Ballard discloses downloading only a graphical element of a web page, one of ordinary skill in the art would not have combined Apfel and Ballard so as to produce the invention of independent claim 18.

For this reason, independent claim 18 is not unpatentable over Apfel in view of Ballard.

CONCLUSION

In view of the above, it is clear that the claims of the present application patentably distinguish over the art applied by the Examiner. Accordingly, allowance of these claims and issuance of the above captioned patent application are respectfully requested.

The Commissioner is hereby authorized to charge any additional fees that may be required, or to credit any overpayment, to account No. 50-1519.

Respectfully submitted,

SCHIFF HARDIN LLP
6600 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606
(312) 258-5500
CUSTOMER NO. 32692

By: 

Trevor B. Joike
Registration No.: 25,542
Attorney for Applicants

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